

104TH CONGRESS
2D SESSION

H. R. 3214

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish a brownfield cleanup loan program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 1996

Mr. FRANKS of Connecticut introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish a brownfield cleanup loan program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CLEANUP OF BROWNFIELDS.**

4 The Comprehensive Environmental Response, Com-
5 pensation, and Liability Act of 1980 is amended by adding
6 the following new title at the end thereof:

7 “TITLE VI—CLEANUP OF BROWNFIELDS

1 **“SEC. 601. DEFINITION OF BROWNFIELD SITE.**

2 “As used in this title, the term ‘brownfield site’
3 means a parcel of land that contains, or contained aban-
4 doned or under-used commercial or industrial facilities,
5 the expansion or redevelopment of which is complicated
6 by the presence or potential presence of hazardous sub-
7 stances.

8 **“SEC. 602. BROWNFIELD CLEANUP ASSISTANCE PROGRAM.**

9 “(a) ESTABLISHMENT OF PROGRAM.—The Adminis-
10 trator shall establish a program to provide loans for the
11 environmental assessment and remediation of eligible
12 brownfield sites.

13 “(b) ELIGIBLE BROWNFIELD SITES.—Any
14 brownfield site shall be eligible for assistance under this
15 title unless the site is one of the following:

16 “(1) Any facility that is the subject of ongoing
17 removal action under title I of this Act.

18 “(2) Any facility included, or proposed for in-
19 clusion, in the National Priorities List maintained
20 by the Administrator under title I of this Act.

21 “(3) Any facility with respect to which an ad-
22 ministrative order on consent or judicial consent de-
23 cree requiring cleanup has been entered into by the
24 United States under the Solid Waste Disposal Act
25 (42 U.S.C. 6901 et seq.), the Federal Water Pollu-
26 tion Control Act (33 U.S.C. 1251 et seq.), the Toxic

1 Substances Control Act (15 U.S.C. 2601 et seq.) or
2 title XIV of the Public Health Service Act, com-
3 monly known as the Safe Drinking Water Act (42
4 U.S.C. 300f and following).

5 “(4) Any facility owned or operated by a de-
6 partment, agency, or instrumentality of the United
7 States.

8 “(c) ASSISTANCE FOR SITE CHARACTERIZATION AND
9 ASSESSMENT.—Upon the approval of an application made
10 by any person, and with the consent of the State and local
11 government having jurisdiction over one or more eligible
12 brownfield sites, the Administrator may make loans under
13 this subsection to the applicant to be used for the site
14 characterization and assessment of such site or sites. Site
15 characterizations and assessments shall be performed in
16 accordance with generally accepted good commercial and
17 customary standards and practices under section
18 101(39)(B) of this Act.

19 “(d) ASSISTANCE FOR ENVIRONMENTAL REMEDI-
20 ATION.—Upon the approval of an application made by any
21 person, and with the consent of the State and local govern-
22 ment having jurisdiction over one or more eligible
23 brownfield sites, the Administrator may make loans under
24 this subsection to such applicant to be used for response
25 action (excluding site characterization and assessment) at

1 one or more eligible brownfield sites. Such response action
2 shall be for purposes of making such site or sites available
3 for manufacturing, business, or other commercial or resi-
4 dential purposes.

5 “(e) SUNSET.—No amount shall be available from
6 the Hazardous Substance Superfund for purposes of this
7 title.

8 “(f) PROHIBITION.—No portion of any assistance
9 provided under this section to an eligible applicant may
10 be used for payment of penalties or fines.

11 “(g) AUDITS.—The Inspector General of the Envi-
12 ronmental Protection Agency shall audit all loans made
13 under this section to insure that all funds are used for
14 the purposes set forth in this section.

15 “(h) AGREEMENTS.—Each loan made under this sec-
16 tion shall be subject to an agreement which requires the
17 following:

18 “(1) The agreement shall require the applicant
19 to comply with all applicable Federal and State laws
20 and regulations.

21 “(2) The agreement shall require that the ap-
22 plicant shall use the loan exclusively for purposes
23 specified in subsection (c) or (d), as the case may
24 be.

1 “(3) The agreement shall provide for repayment
2 of the loan within a specified period, not to exceed
3 10 years.

4 “(4) The agreement shall contain such other
5 terms and conditions that the Administrator deter-
6 mines necessary to carry out the purposes of this
7 title.

8 “(i) LEVERAGING.—The recipient of any assistance
9 under this section may use the assistance for part of a
10 project at an eligible brownfield site or sites which receives
11 funding from other sources, except that such assistance
12 may only be used for the purposes described in subsection
13 (c) or (d), as the case may be.

14 **“SEC. 603. APPLICATIONS FOR ASSISTANCE.**

15 “(a) IN GENERAL.—Any person may submit an ap-
16 plication to the Administrator for a loan under this title
17 for one or more eligible brownfield sites. An application
18 may be submitted to the Administrator through any Re-
19 gional Office of the Environmental Protection Agency.
20 The application shall be in such form as the Administrator
21 determines appropriate.

22 “(b) APPLICATION REQUIREMENTS.—An application
23 for assistance under this title shall, at a minimum, include
24 each of the following:

1 “(1) An identification of each eligible
2 brownfield site for which assistance is sought and a
3 description of the redevelopment plan for the area or
4 areas in which each such site is located. Such de-
5 scription shall include a description of the nature
6 and extent of any known or suspected environmental
7 contamination within the area.

8 “(2) An analysis that demonstrates the poten-
9 tial of the loan to stimulate economic development
10 on completion of any necessary response action.
11 Such analysis shall include a projection of the num-
12 ber of jobs expected to be created at the site after
13 remediation and redevelopment and, to the extent
14 feasible, a description of the type and skill level of
15 such jobs and a projection of the increases in reve-
16 nues accruing to the local, State and Federal gov-
17 ernments from such jobs.

18 “(c) APPROVAL.—After the first 12 months after the
19 enactment of this title, the Administrator shall make an-
20 nual evaluations of all applications received during the
21 prior calendar year and make loans under this title to
22 those States and municipalities submitting applications
23 during such prior year which the Administrator deter-
24 mines have the highest rankings under the ranking cri-
25 teria established by the Administrator. For the first 12

1 months after the enactment of this title, at the end of each
2 6-month period after the enactment of this title, the Ad-
3 ministrator shall make loans under this title to those ap-
4 plicants submitting applications before the end of such 6-
5 month period which the Administrator determines have
6 the highest rankings under the ranking criteria established
7 by the Administrator.

8 “(d) RANKING CRITERIA.—In determining whether
9 to provide assistance under this title to any applicant, the
10 Administrator shall establish a ranking system for applica-
11 tions. The ranking system shall include the following cri-
12 teria:

13 “(1) The extent to which the assistance will
14 stimulate the availability of other funds for response
15 action and subsequent redevelopment of the area in
16 which the eligible brownfield sites are located.

17 “(2) The potential of the development plan for
18 the area in which the eligible brownfield sites are lo-
19 cated to stimulate economic development of the area
20 on completion of the response action such as the fol-
21 lowing:

22 “(A) The relative increase in the estimated
23 fair market value of the area as a result of the
24 response action.

1 “(B) The potential of the assistance to cre-
2 ate new, or expand existing, business and em-
3 ployment opportunities (particularly full-time
4 employment opportunities) upon completion of
5 the response action.

6 “(C) The estimated additional tax revenues
7 expected to be generated by economic redevelop-
8 ment in the area in which the brownfield site is
9 located.

10 “(3) The estimated extent to which the assist-
11 ance would facilitate the identification of, or reduc-
12 tion of, health and environmental risks.

13 “(4) The extent to which the site characteriza-
14 tion and assessment or the remediation and subse-
15 quent development of the eligible brownfield site or
16 sites involves the active participation and support of
17 the local community.

18 “(5) Such other factors as the Administrator
19 considers relevant to carry out the purposes of this
20 title.”.

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